

HOUSE BILL REPORT

SSB 6001

As Reported by House Committee On:
Education

Title: An act relating to training regarding the use of force and physical restraints for school building administrators and other school security personnel.

Brief Description: Regarding training for school administrators and security personnel in the use of force.

Sponsors: Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators Zarelli, Eide, Rockefeller, Kline and Kohl-Welles).

Brief History:

Committee Activity:

Education: 3/23/05, 3/30/05 [DP].

Brief Summary of Substitute Bill

- Directs the Office of the Superintendent of Public Instruction to develop a model policy and training standards on the use of force and physical restraint in schools.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 11 members: Representatives Quall, Chair; P. Sullivan, Vice Chair; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis, Haigh, Hunter, McDermott, Santos, Shabro and Tom.

Staff: Sydney Forrester (786-7120).

Background:

Physical Discipline

State law permits the physical discipline of a child when it is reasonable and moderate and is inflicted by a parent, teacher, or guardian for purposes of restraining or correcting the child. Any use of force on a child by persons other than those listed above also must be reasonable and moderate and must be authorized in advance by the child's parent or guardian for purposes of restraining or correcting the child. Certain forms of physical discipline are presumed unreasonable, as are any other acts likely to cause, and which do cause, bodily harm greater than transient pain or minor temporary marks. When determining what is reasonable or moderate, the age, size, and condition of the child, and the location of the injury are considered.

Corporal Punishment

Corporal punishment is defined as any act that willfully inflicts or willfully causes the infliction of physical pain. Washington is one of approximately 28 states prohibiting corporal punishment in schools. Corporal punishment, however, does not include the use of reasonable physical force by a school administrator, teacher, or school employee or volunteer as necessary to maintain order or to prevent a student from harming him/herself, another student, school staff or property.

School Discipline Policies

Each school district board of directors must establish policies regarding student conduct, discipline, and rights, and must make those policies available to students, teachers, and parents. District procedures related to administering discipline must be developed with the participation of parents and the community.

Individual school building administrators are charged with determining that appropriate student discipline is established and enforced within the school. Principals must confer at least annually with certificated employees to develop and/or review building discipline standards and enforcement of those standards.

A variety of school discipline policies exist statewide, ranging from hands-off policies, to those that permit the use of handcuffs and other physical restraints by persons who are not commissioned law enforcement officers, to policies that permit the use of deadly force.

School Security and Enforcement of Discipline

To meet their security and discipline needs, school districts may hire school security officers and/or school resource officers. School resource officers are fully commissioned law enforcement officers who spend all or a portion of their day at one or more school sites. School security officers typically are not commissioned law enforcement officers, although some may be retired from law enforcement.

Decisions regarding the qualifications for employment and the training standards and requirements for school security personnel are made locally. To meet their training needs, districts may partner with local law enforcement agencies, may contract with private providers, or may participate in training courses offered through the Criminal Justice Training Commission (CJTC).

In each of the last two biennia the Legislature has appropriated \$200,000 for the coordination of regional training courses provided by the CJTC in collaboration with the Office of the Superintendent of Public Instruction (OSPI).

Summary of Bill:

The OSPI, in collaboration with, the Washington State School Safety Center Advisory Committee (SSAC), must develop a model policy and training standards for school administrators and school security personnel relating to the use of force and physical restraint

in schools. The OSPI must report back to the Legislature by December 30, 2005. The OSPI and the SSAC must work in consultation with the CJTC in developing the model policy and standards.

By March 30, 2006, the model policy and training standards must be made available to school districts and educational service districts via the OSPI's website.

The CJTC must develop training materials to support the model policy and training standards. Training on the use of force and physical restraint must be included in training courses provided by the CJTC for school administrators and safety personnel. In developing the training materials, the CJTC must work in cooperation with OSPI and SSAC.

Appropriation: None.

Fiscal Note: Requested on March 17, 2005.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support) The use of force and restraint is a critical and crucial issue for schools. If safety is at risk, school personnel need to subdue that risk to prevent harm. There is also a liability for schools in the area of use of force and restraint. It is important to provide training for those who make the discipline and security decisions in the school buildings. Schools are challenging places and safety and security are imperative. A model policy on the use of force and restraint would help support these efforts.

The SSAC has seen the need to focus on this issue for some time. A model policy on the use of force and restraint goes hand-in-hand with comprehensive safe school plans. We must give schools the model policy, provide training opportunities, and allow schools to develop local policies that reflect local interests. All the right entities are included in this bill. The OSPI will work with stakeholders from a variety of communities. One full time equivalency currently covers all school safety issues for the agency, so we would hope for more funding to do the additional work called for in the bill.

The CJTC currently is coordinating security and safety training courses for school personnel. This approach makes sense because it includes the training with existing efforts. Cost-wise, it is the most efficient.

(In support with concerns) The ongoing training of school security personnel should be supported. Placing more emphasis on prevention would be most effective.

(With concerns) Prevention has been a long-standing concern. We need to respect cultural differences and disabilities in effectively enforcing discipline. The Beacons Project has demonstrated measurable success in this area.

Testimony Against: None.

Persons Testifying: (In support) Senator Zarelli, prime sponsor; Greg Williamson, Office of the Superintendent of Public Instruction; and Joe Pope and Rainer Houser, Association of Washington State Principals.

(In support with concerns) Susan Mather, Brynmare School.

(With concerns) Christie Perkins, Washington State Special Education Coalition.

Persons Signed In To Testify But Not Testifying: Barbara Mertens, Washington Association of School Administrators.